

IN THE

AUG 14 1978

MICHAEL RODAK, JR., CLERK

Supreme Court of the United States

OCTOBER TERM, 1977

No. 77-654

THE GREAT ATLANTIC & PACIFIC TEA COMPANY, INC.,

Petitioner,

v.

FEDERAL TRADE COMMISSION,

Respondent.

OPPOSITION TO MOTION OF SMALL BUSINESS LEGISLATIVE COUNCIL FOR LEAVE TO FILE BRIEF AMICUS CURIAE

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Counsel for Petitioner

*The Great Atlantic & Pacific
Tea Company, Inc.*

Of Counsel:

IRA J. DEMBROW



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The undersigned counsel for The Great Atlantic & Pacific Tea Company, Inc. ("A&P") received by mail on August 9, 1978 a "Motion for Leave to File Brief Amicus Curiae and Brief of Amicus Curiae Small Business Legislative Council". The movant ("SBLC") asserts that consent to the filing of the brief "has been withheld" by counsel for A&P. While we have no record that counsel for A&P was asked to consent previously, we oppose the motion.

The Solicitor General is fully capable of presenting the Government's side of this case, and we disagree with SBLC's suggestion that its intervention would assist the Court in its consideration of this case. On the contrary, SBLC's proposed brief is basically a collection of invective in which A&P is variously described as a "malefactor" guilty of "indefensible behavior" and even extortion. If

SBLC were allowed to inject these characterizations into this proceeding, we submit the result would be to complicate them by requiring an appropriate response from A&P showing that the record will not support such conclusions.

Dated: New York, New York
August 11, 1978

Respectfully submitted,

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